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C O N F I D E N T I A L SECTION 01 OF 02 LAGOS 001297

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STATE FOR AF/W
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SUBJECT: OBASANJO DECLARES STATE OF EMERGENCY IN EKITI

REF: A. LAGOS 1288 B. 04 ABUJA 293

Classified By: Consul General Brian L. Browne for reasons 1.4 b and d

¶11. (U) Summary: President Obasanjo declared a state of emergency in Ekiti State, citing potential violence between the State House of Assembly and supporters of Governor Ayo Fayose. Obasanjo appointed Brigadier General Tunji Olurin as Administrator. Post has heard of no instances of violence. Some observers are citing the proclamation as evidence of a plan by Obasanjo to create such a level of political unrest that the election would have to be postponed, then allow him to remain in power past the heretofore appointed time. In any event, the move evades the need for an emergency election and guarantees that Obasanjo and his People's Democratic Party (PDP) hold power in Ekiti through the April 2007 election period. End Summary.

¶12. (U) On October 19, President Obasanjo declared a state of emergency in Ekiti State, appointing retired Brigadier Tunji Olurin as Administrator of the State for six months. Obasanjo cited the increasing danger of violence as justification for his act. After the state of emergency ends, the general election for the Governor of Ekiti State will be held as scheduled. Governor Ayo Fayose remains in hiding, but from his clandestine redoubt he has been emitting statements that he remains in power. Deputy Governor Biodun Olujimi continues to harangue that with Fayose impeached, the constitution identifies her as the Governor. The former Speaker, whom the State Assembly selected to take over, remains adamant the Assembly action was a legitimate exercise of its power and that he is the new Governor.

The Emergency Declaration . . .

¶13. (U) Section 305(1) of the Nigerian Constitution states that "Subject to the provisions of this Constitution, the President may . . . issue a Proclamation of a state of emergency in the Federation or any part thereof. Section 305(2) requires the President to "immediately after the publication, transmit copies of the Official Gazette of the Government of the Federation containing the proclamation including the details of the emergency to the President of the Senate and the Speaker of the House of Representatives, each of whom shall forthwith convene or arrange for a meeting of the House of which he is President or Speaker, as the case may be, to consider the situation and decide whether or not to pass a resolution approving the Proclamation"

. . . and the Role of the Assembly

¶4. (C) Section 305(6)(b) states that, the proclamation ceases to have effect if "it affects the Federation or any part thereof and within ten days when the National Assembly is not in session, after its publication, there is no resolution supported by two-thirds majority of all members of each House of the National Assembly approving the Proclamation."

Assembly to Reconvene to Consider Proclamation

¶5. (SBU) According to a staff person in the Senate President's office, the proclamation has been received by the legislature. In light of the crisis, the National Assembly will reconvene on October 25 -- instead of as originally scheduled for October 30 -- to consider the Ekiti situation.

¶6. (SBU) Two constitutional lawyers told us that, while the President's proclamation takes immediate effect, the National Assembly must approve it or it will lapse.

The Battle Over Who Should Be Governor

¶7. (C) Some reliable sources told us the Economic and Financial Crimes Commission (EFCC) pressured the Ekiti State House of Assembly to impeach Fayose. As they did with the Bayelsa Assembly during that state's impeachment crisis last year, the EFCC apparently showed the Ekiti legislators incriminating evidence against them, and threatened to use it if they did not assail Fayose. The EFCC and the Ekiti State

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House came to an agreement whereby the State House would impeach not only Fayose but also Deputy Governor Olujimi, allowing House Speaker Friday Aderemi to become acting Governor.

¶8. (C) However that was not what the President had in mind. According to Nobel laureate Wole Soyinka, Obasanjo wanted the Deputy Governor to take over, indicating the Ekiti State House should impeach only Fayose. Obasanjo warned the Ekiti lawmakers should they insist on the dual impeachment, he would not allow them to have their way.

¶9. (U) Contrary to Obasanjo's wishes, the State House Assembly impeached Fayose and Olujimi following suspension of the Chief Justice of Ekiti State, an action that was roundly condemned by the Chief Justice of the Nigerian Federation, the Nigerian Bar Association, and most constitutional scholars (See Ref). Both Obasanjo and the Federal Justice Minister also publically condemned the suspension of the Justicia and all subsequent proceedings as the fruit of a poisonous tree. When Obasanjo met with the remaining 35 State Governors, they also told him they would not accept Aderemi in their midst as acting governor.

Ekiti Calm As Nigerians Try to Divine Meaning

¶10. (SBU) Chris Fejemifo, Chair of the National Union of Journalists in Ekiti, noted that the capital, Ado-Ekiti, was quiet. Fejemifo did report the presence of an unusually large number of Mobile Police (Mopol) on the streets. Businesses and markets are operating normally. Many Ekiti residents can be seen reading the newspapers, apparently trying to make sense of the situation, Fejemifo said.

General Olurin's Background

¶11. (U) General Olurin was once commander of ECOMOG forces in Liberia, and served as military governor of Oyo State from 1985 to 1988 under the presidency of Ibrahim Babangida. Olurin is from Ogun State, as is Obasanjo. Olurin allegedly played a key role in the annulment of the June 12 election in ¶1993.

¶12. (C) Comment: This is the second time President Obasanjo has declared a state of emergency; the first was in 2004 in Plateau State (Ref B) in response to an actual outbreak of violence. Observers are already citing the proclamation as part of a plan by Obasanjo to sow a level of political confusion that would make the conduct of elections impossible, then allow him to remain in office. An undercurrent that needs to be watched is the apparent gap between Obasanjo's objectives and those of the EFCC. Obasanjo wanted the Deputy to remain but the EFCC pushed for dual impeachment. This may be a sign that the political unity heretofore existing between the President and his EFCC chairman is beginning to show signs of fraying. End comment.

BROWNE